

# House File 817 - Reprinted

HOUSE FILE \_\_\_\_\_  
BY COMMITTEE ON VETERANS AFFAIRS

(SUCCESSOR TO HSB 233)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act concerning the flag and veterans by providing for a study  
2 of regional veterans affairs offices, providing for the duties  
3 of the department of veterans affairs and the commission on  
4 veterans affairs prohibiting certain acts involving the flag,  
5 establishing a counseling program for veterans, and providing  
6 a penalty.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 1 Section 1. NEW SECTION. 35.12 VETERANS COUNSELING  
1 2 PROGRAM.  
1 3 1. The department shall coordinate with United States  
1 4 veterans administration hospitals, health care facilities, and  
1 5 clinics in this state and the department of public health to  
1 6 provide assistance to veterans and their families to reduce  
1 7 the incidence of alcohol and chemical dependency and suicide  
1 8 among veterans and to make mental health counseling available  
1 9 to veterans.  
1 10 2. The assistance program shall include but not be limited  
1 11 to the following:  
1 12 a. Public education and awareness programs for veterans,  
1 13 health care professionals, and the public, relative to the  
1 14 needs of veterans.  
1 15 b. Referral services to identify appropriate counseling  
1 16 and treatment programs for veterans in need of services.  
1 17 3. Any assistance program established pursuant to this  
1 18 section shall be implemented in a manner that does not  
1 19 duplicate other services readily available to veterans.  
1 20 Sec. 2. Section 35A.2, subsection 1, Code 2007, is amended  
1 21 to read as follows:  
1 22 1. A commission of veterans affairs is created consisting  
1 23 of nine persons who shall be appointed by the governor,  
1 24 subject to confirmation by the senate. Members shall be  
1 25 appointed to staggered terms of four years beginning and  
1 26 ending as provided in section 69.19. The governor shall fill  
1 27 a vacancy for the unexpired portion of the term. In addition  
1 28 to the members appointed by the governor, the director of the  
1 29 department and the commandant of the Iowa veterans home shall  
1 30 serve as nonvoting, ex officio members of the commission.  
1 31 Sec. 3. Section 35A.3, subsections 2 and 3, Code 2007, are  
1 32 amended by striking the subsections and inserting in lieu  
1 33 thereof the following:  
1 34 2. Review proposed rules submitted by the department  
1 35 concerning the management and operation of the department. If  
2 1 the commission does not disapprove a proposed rule on a  
2 2 unanimous vote at the next regularly scheduled meeting of the  
2 3 commission, the department may proceed to adopt the rule.  
2 4 3. a. Advise and make recommendations to the department,  
2 5 the general assembly, and the governor, concerning issues  
2 6 involving and impacting veterans in this state.  
2 7 b. Advise and make recommendations to the general assembly  
2 8 and the governor concerning the management and operation of  
2 9 the department.  
2 10 Sec. 4. Section 35A.5, Code 2007, is amended by adding the  
2 11 following new subsections:  
2 12 NEW SUBSECTION. 0A. Maintain and disseminate information  
2 13 to veterans and the public regarding facilities, benefits, and  
2 14 services available to veterans and their families and assist

2 15 veterans and their families in obtaining such benefits and  
2 16 services.

2 17 NEW SUBSECTION. 12. Adopt rules pursuant to chapter 17A  
2 18 and establish policy for the management and operation of the  
2 19 department. Prior to adopting rules, the department shall  
2 20 submit proposed rules to the commission for review pursuant to  
2 21 the requirements of section 35A.3.

2 22 NEW SUBSECTION. 13. Provide information requested by the  
2 23 commission concerning the management and operation of the  
2 24 department and the programs administered by the department.

2 25 Sec. 5. Section 35A.5, subsection 8, Code 2007, is amended  
2 26 to read as follows:

2 27 8. Provide training to executive directors of county  
2 28 commissions of veteran affairs pursuant to section 35B.6. The  
2 29 ~~commission~~ department may adopt rules in accordance with  
2 30 chapter 17A to provide for training of county veteran affairs  
2 31 executive directors.

2 32 Sec. 6. Section 35A.8, subsection 4, paragraph a, Code  
2 33 2007, is amended to read as follows:

2 34 a. The executive director shall provide for the  
2 35 administration of the bonus authorized in this subsection.

3 1 The ~~commission~~ department shall adopt rules, pursuant to  
3 2 chapter 17A, as necessary to administer this subsection  
3 3 including, but not limited to, application procedures,  
3 4 investigation, approval or disapproval, and payment of claims.

3 5 Sec. 7. Section 35A.13, subsection 6, Code 2007, is  
3 6 amended to read as follows:

3 7 6. It is the intent of the general assembly that beginning  
3 8 with the fiscal year beginning July 1, 2007, appropriations be  
3 9 made annually to the veterans trust fund. Prior to any  
3 10 additional appropriations to this fund, the ~~commission~~  
3 11 department shall provide the general assembly with information  
3 12 identifying immediate and long-term veteran services  
3 13 throughout the state and a plan for delivering those services.

3 14 Sec. 8. Section 36.1, subsection 3, Code 2007, is amended  
3 15 by striking the subsection.

3 16 Sec. 9. Section 36.8, Code 2007, is amended to read as  
3 17 follows:

3 18 36.8 RULES.

3 19 The ~~commission~~ department shall adopt rules pursuant to  
3 20 chapter 17A to implement this chapter.

3 21 Sec. 10. Section 36.9, Code 2007, is amended to read as  
3 22 follows:

3 23 36.9 APPROPRIATIONS.

3 24 This chapter shall be implemented by the ~~commission~~  
3 25 department each fiscal year that appropriations are made to  
3 26 the ~~commission~~ department for the implementation.

3 27 Sec. 11. Section 135.20, subsection 2, unnumbered  
3 28 paragraph 1, Code 2007, is amended to read as follows:

3 29 The information to be distributed shall be determined by  
3 30 the department by rule, in consultation with the ~~commission~~  
3 31 department of veterans affairs. The information shall, at a  
3 32 minimum, contain statements indicating that:

3 33 Sec. 12. Section 135.20, subsection 2, unnumbered  
3 34 paragraph 2, Code 2007, is amended to read as follows:

3 35 The information shall also present treatment options and  
4 1 shall specify a procedure to be followed for veterans desiring  
4 2 a medical consultation for screening and treatment purposes.

4 3 The department shall cooperate with the ~~state commission~~  
4 4 department of veterans affairs regarding distribution of the  
4 5 information to the veterans home, the county commissions of  
4 6 veteran affairs, veterans hospitals, and other appropriate  
4 7 points of distribution.

4 8 Sec. 13. NEW SECTION. 718A.0A DEFINITIONS.

4 9 As used in this section:

4 10 1. "Contempt" means an intentional lack of respect or  
4 11 reverence by treating in a rough manner.

4 12 2. "Deface" means to intentionally mar the external  
4 13 appearance.

4 14 3. "Defile" means to intentionally make physically  
4 15 unclean.

4 16 4. "Mutilate" means to intentionally cut up or alter so as  
4 17 to make imperfect.

4 18 5. "Trample" means to intentionally tread upon or  
4 19 intentionally cause a machine, vehicle, or animal to tread  
4 20 upon.

4 21 Sec. 14. NEW SECTION. 718A.7 RETIREMENT CEREMONY.

4 22 This chapter does not apply to a flag retirement ceremony  
4 23 conducted pursuant to federal law.

4 24 Sec. 15. Section 723.4, subsection 6, Code 2007, is  
4 25 amended to read as follows:

4 26 6. a. Knowingly and publicly uses the flag of the United  
4 27 States in such a manner as to show disrespect for the flag as  
4 28 a symbol of the United States, with the intent or reasonable  
4 29 expectation that such use will provoke or encourage another to  
4 30 commit a public offense trespass or assault.

4 31 b. As used in this section:

4 32 (1) "Show disrespect" means to deface, defile, mutilate,  
4 33 or trample.

4 34 (2) "Deface" means to intentionally mar the external  
4 35 appearance.

5 1 (3) "Defile" means to intentionally make physically  
5 2 unclean.

5 3 (4) "Flag" means a piece of woven cloth or other material  
5 4 designed to be flown from a pole or mast.

5 5 (5) "Mutilate" means to intentionally cut up or alter so  
5 6 as to make imperfect.

5 7 (6) "Trample" means to intentionally tread upon or  
5 8 intentionally cause a machine, vehicle, or animal to tread  
5 9 upon.

5 10 c. This subsection does not apply to a flag retirement  
5 11 ceremony conducted pursuant to federal law.

5 12 Sec. 16. VETERANS COUNSELING PROGRAM REPORT. The director  
5 13 of the department of veterans affairs shall submit a report to  
5 14 the members of the general assembly by January 15, 2008,  
5 15 regarding the development and implementation of the veterans  
5 16 counseling program established pursuant to section 35.12, as  
5 17 enacted by this Act.

5 18 Sec. 17. DEPARTMENT OF VETERANS AFFAIRS == REGIONAL  
5 19 VETERANS AFFAIRS OFFICES STUDY. The department of veterans  
5 20 affairs shall conduct a study and develop a plan, in  
5 21 collaboration with the department of workforce development, to  
5 22 provide regional coverage for veterans affairs services. The  
5 23 plan shall provide for the colocation of department of  
5 24 veterans affairs staff in workforce development regional  
5 25 offices to provide direct services to underserved veterans  
5 26 throughout the state. The plan shall foster the development  
5 27 of the county veteran affairs offices, yet ensure coverage  
5 28 where county services are not readily available. The  
5 29 department of veterans affairs and the department of workforce  
5 30 development shall evaluate the personnel needs to serve  
5 31 veterans within the regions, and identify the most efficient  
5 32 use of state, local, and federal resources to serve the most  
5 33 veterans in each region. The plan shall also consider  
5 34 strategies to request a waiver on the use of federal workforce  
5 35 development funds to increase state flexibility to utilize the  
6 1 funds in the most efficient ways to serve veterans. The  
6 2 department of veterans affairs shall submit to the general  
6 3 assembly by January 1, 2008, the results of its study,  
6 4 including its recommended plan to provide improved regional  
6 5 coverage for veterans services.

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